

MEMORANDUM OF UNDERSTANDING

BETWEEN

**The Soil Conservation Service (SCS),
Agricultural Stabilization and Conservation Service (ASCS),
U.S. Fish and Wildlife Service (FWS)**

AND

**The Farmers Home Administration (FmHA)
Regarding the Establishment of Wetland Conservation Easements
on FmHA Inventory Property**

I. Purpose

This Memorandum of Understanding (MOU) establishes the procedure and defines the duties and responsibilities of the four respective agencies with regard to establishing wetland conservation easements on FmHA inventory property.

II. General

This MOU does not alter the statutory or regulatory authority of SCS, ASCS, FWS, or FmHA. This MOU is intended to facilitate the implementation of Section 335(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(g)), relating to the establishment of wetland conservation easements on FmHA inventory property through the cooperative efforts that are documented in this MOU.

III. Procedures

An Easement Review Team will be established to assist in the development of conservation easements to be established on wetlands located on FmHA inventory property. The Easement Review Team will be composed of a representative from the SCS, ASCS, FWS, and FmHA. The purpose of the Easement Review Team is to provide the FmHA State Director with a recommendation as to whether the inventoried property is a marketable agricultural production unit comparable to the property as acquired, taking into consideration any wetland easements. The FmHA representative selected by the FmHA State Director will coordinate the responsibilities of the Easement Review Team, schedule any site visits, maintain a running record of Team activity, and summarize and present the recommendations of the Team to the State Director. Members of the Easement

Review Team may consult on an informal or formal basis in the development of their recommendations. When developing the Team recommendations, each Agency representative on the Team will have the final say for their respective component area of responsibility. For example, in the event a disagreement occurs, SCS's recommendation to the Team as to the identification of the wetland types will be final, whereas the FWS recommendation to the Team as to the boundary, terms, and conditions of the easement shall be final. The individual duties and responsibilities of the respective Team members are as follows:

(1) FWS:

(i) Based on technical considerations, delineates and provides to the Easement Review Team, the location, boundaries, terms, and conditions of any proposed wetland conservation easements which includes the delineation of both optimum and discretionary easements.

(ii) Consults with the FmHA State Director when it is necessary to reduce easements below the 10 and 20 percent levels in order to maintain a comparable and marketable agricultural production unit.

(2) SCS identifies, and provides to the Easement Review Team, all wetlands by type and boundaries.

(3) ASCS provides to the Easement Review Team cropping information, as to what acreages have been frequently cropped and other data which may be available and useful to the Team in making its comparability and marketability recommendations (i.e., information on yields, average comparable farm size in the area, etc.)

(4) FmHA coordinates Team activities.

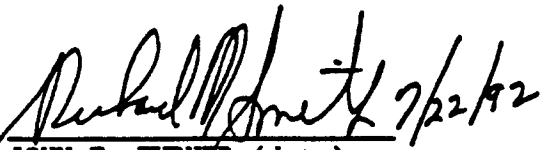
(5) The FWS and SCS (jointly), in consultation with Land Grant Professionals (Cooperative Extension Service), develop and agree to the management plan for the wetland conservation easements on haying and grazing land (i.e., the haying and grazing practices are in accordance with forage management standards that provide for the protection and restoration of wetland functional values).

(6) The SCS, ASCS, FWS and FmHA (jointly) document their analysis and conclusions as to whether an inventory property is a marketable agricultural production unit in Exhibit F of Subpart C of Part 1955 of Title 7 of the Code of Federal Regulations (available in any FmHA office). (This exhibit will be completed and filed in the inventory property case file, and will be the basis

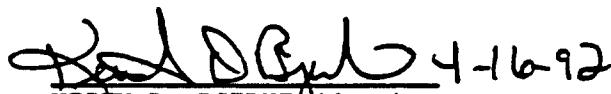
for establishing conservation easements below the 10 and 20 percent levels on FmHA inventory properties which contain prior converted and/or frequently cropped wetlands.)


Nothing in this Memorandum of Understanding shall be construed as indicating a financial commitment by FmHA, SCS, ASCS, or FWS for the expenditure of funds except as authorized in specific appropriations.

This Memorandum of Understanding is effective immediately upon the date of the last signature date below and will continue in effect until modified or revoked by agreement of all parties, or revoked by either party alone upon 30 days written notice. Modifications to this document may be made by mutual agreement and such modifications will be in effect upon signature of the modified document by all parties.

for  7/22/92
JOHN F. TURNER (date)
Director
U.S. Fish and Wildlife Service

 7-20-92
WILLIAM RICHARDS (date)
Chief
Soil Conservation Service

 4-16-92
KEITH D. BJERKE (date)
Administrator
Agricultural Stabilization
and Conservation Service


LA VERNE AUSMAN (date) JUL 23 1992
Administrator
Farmers Home Administration